

Service Date: July 20, 1979

DEPARTMENT OF PUBLIC SERVICE REGULATION  
MONTANA PUBLIC SERVICE COMMISSION

IN THE MATTER OF MARTIN	)	UTILITY DIVISION
CITY WATER COMPANY	)	
	)	DOCKET NO. 6530
	)	ORDER NO. 4377a

SUPPLEMENTAL ORDER

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FINDINGS OF FACT

1. On September 8, 1977 the Commission issued its Order in this docket, after a hearing at which matters concerning the company's request for a rate increase and its service problems were considered.

2. As the Commission stated in Finding of Fact No. 7 of Order No. 4377, the Applicant company had given testimony at the public hearing which assured the Commission and the assembled customers that service problems would be gradually alleviated.

3. Since the issuance of Order No. 4377 the Commission has been involved with the Martin City Water Company on a fairly constant basis, mostly regarding inadequacies of service. The Commission Staff Engineer has made several trips to the area to investigate these complaints.

4. Under Docket No. 6597, the Commission staff made a formal complaint to the Commission on behalf of 24 customers of the Martin City Water Company.

This complaint was satisfied by Wesley F. Johnson, Owner/Operator of the Martin City Water Company by letter of August 18, 1978.

5. The Commission having received further complaints, both from customers and from state and local health officials, the Commission Staff Engineer returned to Martin City to investigate.

6. The Engineer reported to the Commission that, contrary to Order No. 4377, service had deteriorated rather than improved. The Staff Engineer reported to the Commission by telephone on July 18, 1979, recommending that the Martin City Water Company be ordered immediately to replace 600 feet of old line between the school and the main that runs in the alley between Central Avenue and First Avenue South. This action is needed to provide service to 15-20 people beyond this point and to raise line pressure to avoid contamination.

7. As the Commission will be in the area on other business on August 1, 1979, that time will be available to Mr. Johnson to present his case to the Commission should he so request.

#### CONCLUSIONS OF LAW

1. The Montana Public Service Commission properly exercises jurisdiction over the parties and subject matter in this proceeding.

2. Section 69-3-321(2) gives the Commission authority to act in this matter.

ORDER

NOW THEREFORE, at a session of the Public Service Commission, Department of Public Service Regulation of the State of Montana, held in its offices at 1227 11th Avenue, Helena, Montana, on the 19th day of July, 1979, there being present a quorum of Commissioners, this matter came before the Commission for final action;

IT IS ORDERED that the Martin City Water Company shall provide service to customers by installing a replacement line, either permanent or temporary, between the school and the main that runs in the alley between Central Avenue and First Avenue South. This action shall be undertaken with the approval of the Montana Department of Health, if appropriate.

IT IS FURTHER ORDERED that should it so request, the Martin City Water Company may have a hearing at 2:00 P.M., August 1, 1979, at a location to be named later. This hearing is not intended to relieve the company of the duty imposed in the previous paragraph, and the hearing will not be held unless requested by July 30, 1979.

IT IS FURTHER ORDERED that a full, true and correct copy of this order be sent forthwith by certified mail to the Martin City Water Company

THE FOREGOING ORDER was adopted by the Department of Public Service Regulation of the State of Montana, Public Service Commission IN OPEN SESSION at Helena, Montana, this 19th day of July, 1979, by a vote of 5-0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

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GORDON E. BOLLINGER, Chairman

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CLYDE JARVIS, Commissioner

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THOMAS J SCHNEIDER, Commissioner

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JAMES R. SHEA, Commissioner

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GEORGE TURMAN, Commissioner

ATTEST:

Madeline L. Cottrill  
Commission Secretary  
(SEAL)

NOTE: You are entitled to judicial review of the final decision in this matter. If no Motion for Reconsideration is filed, judicial review may be obtained by filing a petition for review within thirty (30) days from the service of this order. If a Motion for Reconsideration is filed, a Commission order is final for purpose of appeal upon the entry of a ruling on that motion, or upon the passage of ten (10) days following the filing of that motion. cf. the Montana Administrative Procedure Act, esp. Sec. 2-4-702, MCA; and Commission Rules of Practice and Procedure, esp. 38-2.2(64)-P2750, ARM.